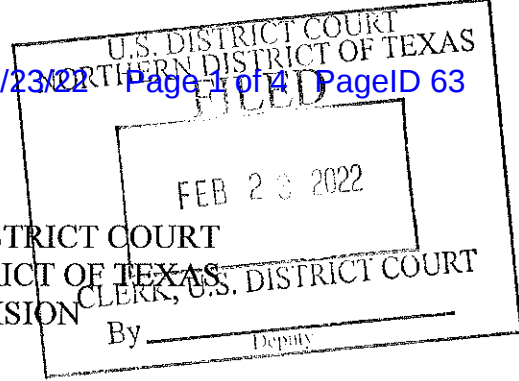


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



UNITED STATES OF AMERICA

v.

No. 4:22-CR-013-Y

ANGEL AGUILAR MONTALVO (01)

FACTUAL RESUME

In support of ANGEL AGUILAR MONTALVO's plea of guilty to the offense in Count One of the Indictment, AGUILAR MONTALVO, the defendant, Guy L. Womack, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

INDICTMENT:

Count One - Receipt of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

PLEA:

Guilty to Count One - Receipt of Child Pornography, in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1).

PENALTY:

The minimum and maximum penalties the Court can impose on Count One include:

- a. a term of imprisonment for not less than five (5) years and not more than twenty (20) years;
- b. a fine up to the amount of \$250,000, or twice the pecuniary gain or twice the pecuniary loss to the victim(s);

- c. unless the Court finds the defendant to be indigent, an additional mandatory special assessment of \$5,000 must also be imposed pursuant to 18 U.S.C. § 3014 for offenses occurring on or after May 29, 2015;
- d. a term of supervised release of any term of years or life but not less than five years, which is mandatory under the law and will follow any term of imprisonment. If the defendant violates any condition of the term of supervised release, the Court may revoke such release term and require that the defendant serve an additional period of confinement;
- e. a mandatory special assessment of \$100;
- f. restitution to the victim(s) or to the community, which may be mandatory under the law;
- g. registration as a sex offender under the Sex Offender Registration and Notification Act;
- h. costs of incarceration and supervision; and
- i. forfeiture of property.

ELEMENTS OF THE OFFENSE:

To establish the offense alleged in Count One of the Information, charging a violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1) the government must prove the following elements beyond a reasonable doubt:<sup>1</sup>

- First: That the defendant knowingly received an item of child pornography, as alleged in the Indictment; and
- Second: That the item of child pornography had been transported in or affecting interstate or foreign commerce by any means, including by computer; and
- Third: That when the defendant received the item, the defendant knew the item contained child pornography.

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<sup>1</sup> Fifth Circuit Pattern Jury Instruction 2.85D (5<sup>th</sup> Cir. 2019).  
Factual Resume – Page 2 of 4

Stipulation of Facts:

1. Defendant Angel Aguilar Montalvo admits and agrees that on or about January 10, 2019, within the Northern District of Texas, Fort Worth Division, and elsewhere, he did knowingly receive any child pornography using any means and facility of interstate and foreign commerce, including a computer, in violation of 18 U.S.C. §§ 2252A(a)(2)(A) and (b)(1). Specifically, Aguilar Montalvo used the Internet and an HP Laptop, model 15-CC057CL serial number 5CD7380KBH, to receive the following visual depiction of a minor engaged in sexually explicit conduct:

<b>File</b>	<b>Description of the image</b>
561.jpg	This image depicts a 3 to 5-year-old female nude from the waist down. A pink sex toy has been inserted into the genitals of the female child. The female child has a white pacifier in her mouth.
565.jpg	This image depicts a 5 to 7-year-old female lying down. A male is holding his erect penis inside the female child's open mouth.

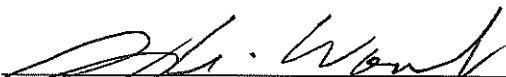
2. On January 10, 2019, Aguilar Montalvo received the images described in paragraph 1 through the Internet by accessing a child pornography site and downloading the images to Aguilar Montalvo's HP laptop computer.

3. A search warrant was executed on Aguilar Montalvo's residence on February 23, 2021, where an HP Laptop, model 15-CC057CL, serial number 5CD7380KBH. During a forensic examination of this laptop, the images described in paragraphs 1 were located on Aguilar Montalvo's HP laptop computer. Additionally, child pornography images were also located on Aguilar Montalvo's Apple iPhone 6s, serial number C6KRWKLVG9Y9 and IMEI: 358567075523627, and on Aguilar Montalvo's PNY 1TB Flash Drive, no serial number.

4. Aguilar Montalvo knowingly received the image files via the Internet and his computer, HP Laptop, model 15-CC057CL serial number 5CD7380KBH. Aguilar Montalvo knew that the images depicted real prepubescent minors and that the prepubescent minor in each image was engaged in sexually explicit conduct. Aguilar Montalvo stipulates that the Internet is a means or facility of interstate or foreign commerce.

AGREED TO AND STIPULATED on this the 23<sup>rd</sup> day of Feb, 2022.

  
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ANGEL AGUILAR MONTALVO  
Defendant

  
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GUY L. WOMACK  
Defense Attorney